

REMARKS

Claims 2-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Natarajan. Applicant respectfully traverses the rejection for at least the reason that Natarajan fails to teach or suggest at least automatically increasing frequency of monitoring and adding a new object or item to coverage of monitoring when degradation in service level of a network is observed and/or means for same, as defined in independent claims 5, 9, and 10. Natarajan further fails to teach or suggest automatically decreasing frequency of monitoring and withdrawing an existing object or item from coverage of the monitoring when improvement in service level of the network is observed and/or means for same, as defined in independent claims 6, 11, and 12.

The Office Action cites (page 3) three portions of Natarajan for teaching automatically increasing a frequency of monitoring and adding a new object or item to coverage of monitoring when degradation of service level of a network is observed. The sections are col. 21, lines 1-27, col. 28, lines 59-67, and col. 33, lines 1-23. The very same sections are cited (page 5) for teaching automatically decreasing frequency of monitoring and withdrawing an existing object or item from coverage of monitoring when improvement in service level of a network is observed. However, these claim features are simply absent from any of the cited sections, and thus a proper anticipation rejection has not been made.

Col. 21, lines 1-27 teach that a network element waits a specified time period before retrieving updated operating information to be reported to a data store, and that if a network element is unable to access a data store, the error is reported to an event server. It

also teaches that the length of the polling interval generally can vary based “upon the particular network in which the technique of the present invention is implemented.” This portion further teaches that a policy engine relies on real-time data to make policy decisions, and a notification scheme is used to keep network data up-to-date.

Col. 21, lines 1-27 teach nothing regarding adding or withdrawing an object or item from coverage of monitoring based on degradation or improvement of a service level of a network. Further, the cited portion teaches nothing about increasing monitoring frequency when degradation is observed, or decreasing monitoring frequency when improvement is observed.

Col. 28, lines 59-67 state that a policy may be modified by a remote user dynamically modifying the policy by an ADMIN system, by a system administrator modifying the policy using a local terminal, or by the ADMIN system automatically and dynamically modifying the policy within the policy engine using artificial intelligence and/or fuzzy logic to determine specific policy modifications. However, col. 28, lines 59-67 teach nothing regarding the specific monitoring policy changes defined in the claims.

Finally, col. 33, lines 1-23 state that specific links A, B, C, and D report service level parameter information to a data store, and the service level parameters are analyzed by a monitor system according to values specified by a service level agreement (SLA). If the reported service level parameters are acceptable, col. 33, lines 1-23 teach that a monitor waits a specified time interval before reanalyzing the virtual circuit based on updated service level parameters.

This section, again, fails to teach or suggest adding or withdrawing an existing object or item from monitoring based on degradation or improvement in service level of a network. For example, nothing in this portion teaches that any of the links A, B, C, or D (shown in FIG. 16) or particular parameters for any of these links are added to or withdrawn from monitoring for any reason. Nor does this section teach or suggest increasing or decreasing frequency of monitoring based on degradation or improvement in service level. The time interval is specified (col. 33, line 20), and there is no teaching or suggestion of changing the specified time level in this cited portion.

Thus, none of the cited portions teach or suggest the above claimed features. The Office Action attempts to justify its rejection by stating that Natarajan teaches modifying or updating control parameters, and that this somehow teaches adding or withdrawing objects or items from monitoring as claimed. However, a teaching that the network elements receive updated parameter information does not change the fact that the same links are being monitored, and they are monitored for the same service level information (e.g., number of dropped packets). Instead, the parameter values (e.g., CIR parameter values) are stated to be changed by the policy operation, or policy modifications, in Natarajan. For example, see FIG. 17; col. 17, line 34 – col. 18, line 5; col. 30, lines 34-52; and col. 31, lines 3-32.

In the CIR example shown in FIGs. 12, 16, and 17, a Frame Relay policy updates CIR values for links A, B, C, and D based on the number of dropped packets for each link, resulting in updated dropped packet count data. It does not decide to stop monitoring link A, link B, link C, or link D, or decide to add a new link to monitor.

Furthermore, the Frame Relay policy does not decide to stop monitoring dropped packets for particular links, nor does it decide to monitor something new other than dropped packets for these links during operation of the policy.

Even if the policy is modified (steps 1720, 1724, 1726, and 1728 in FIG. 17), Natarajan teaches that this is done by, for example, “modifying the formula which the policy uses to compute the updated CIR parameter values” (col. 32, lines 12-35) for a particular link. An example of this modification (col. 32, line 27-29) is shown in FIG. 12 and described in col. 17, lines 12-67. For example, variable K in the formula shown in col. 17, lines 49-59 can be adjusted for a particular link. By changing K, the link thereafter provides an updated CIR value, and thus updated dropped packet count data.

However, the link being monitored (A, B, C, or D), and the thing being monitored (number of dropped packets) does not change, even when the policy is changed in this example. In other words, if a system is monitoring link A for dropped packets, and the number of dropped packets in link A then changes as a result of adjusting variable K, the system thereafter continues to monitor link A for dropped packets. Nothing in this description, or in FIGs. 12, 16, or 17, teaches or suggests adding to or withdrawing from monitoring a particular object or item based on degradation or improvement in a service level of a network.

Regarding the Office Action’s “Response to Arguments” (page 13), the Office Action states that Natarajan teaches a policy engine for modifying/updating control parameters for network elements in which updated control information is automatically

generated. However, changing control parameters does not explicitly, impliedly, or necessarily teach adding or withdrawing an object or item from monitoring based on degradation or improvement in service level of a network, for at least the reasons explained above.

The Office Action further states (page 14), “Once a change has occurred application specific plug-ins which includes frame relay policies, ATM policies, quality of service policies, etc.. [sic], are added or deleted from the system based on the changed [sic] in the network conditions.” Applicant respectfully requests specific support in Natarajan for this statement. Natarajan teaches loading specific application policies upon initialization of a policy analysis procedure or upon the occurrence of an event such as the execution of a specific user application (col. 15, lines 42-46), but apparently does not teach or suggest adding or deleting application specific plug-ins in the manner alleged in the Office Action. Even if taken to be true, however, this does not teach or suggest the specific claimed features as, for example, it does not teach automatically loading such plug-ins based on degradation or improvement of a service level of a network, nor does it teach that such plug-ins, even if loaded for this reason, would add or withdraw an object or item from monitoring in the manner claimed.

The “Response to Arguments” additionally states that in Natarajan a service level agreement is monitored during a specified time period to ensure that parameters meet corresponding standards, and that if the parameters “do meet the standards” a report is sent to the ADMIN in which appropriate action is taken. However, none of the actions stated in the

cited sections (col. 2, lines 22-65, col. 7, lines 15-32, col. 14, lines 33-67, col. 28, lines 49-67, and col. 33, lines 1-36) teach or suggest the specific claim features of adding to or withdrawing from monitoring an object or item based on degradation or improvement of service level of a network.

Finally, the Office Action cites pages 6-9 and pages 12-15 of Applicant's own specification, apparently for the purpose of comparison. The Office Action alleges that the cited portion of Applicant's specification teaches that "the client is able to modify the existing monitoring policy by adding or deleting policy definitions". Then, relying on "the broadest interpretation of Applicant claim language", Natarajan is alleged to teach the claimed features.

Applicant respectfully submits that, to support a proper rejection, the claim language is to be given the broadest reasonable interpretation, not simply the broadest interpretation. Given this standard, it is not reasonable to interpret adding a new item or object to or withdrawing an existing item or object from monitoring based on degradation or improvement of service level of a network, as claimed, to include monitoring the same object and the same item when the data changes.

This difference is clearly illustrated in the very portion of Applicant's specification cited in the Office Action, which significantly differs from the cited portions of Natarajan. Page 7 of the present specification provides an illustrative example wherein a web server 4 is specified as an object to be monitored and its response time to a web client 3 is designated as an item to be monitored. The response time to the web client 3 is not static

(which is why it is being monitored). However, when the response time changes, the web browser does not suddenly become a new object to monitor, and the response time does not suddenly become a new item for monitoring, as apparently submitted in the Office Action.

Instead, as provided in the example of page 7, if a decreased service level is indicated, a monitoring policy changing unit 1c automatically adds the response time between the web server 4 and web client 5 (a different web client) and between the web server 4 and a router as new monitoring items. The monitoring interval is also automatically reduced to 5 minutes. There is a clear difference between adding items or objects for monitoring, as in the example on page 7 of the specification and monitoring the same object for the same item, as provided in the cited portions of Natarajan, and it is not reasonable to equate the two.

For at least these reasons, Applicant respectfully submits that claims 2-12 are allowable over the references of record, including Natarajan. Applicant thus requests reconsideration and withdrawal of the rejection.

For at least the foregoing reasons, Applicant believes that this case is in condition for allowance, which is respectfully requested. The Examiner should call Applicant's attorney if an interview would expedite prosecution.

Respectfully submitted,

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